

IN RE: PETITION FOR VARIANCE

W/S Thomas Shilling Court,
928' S of Trenton Mill Road
5th Election District
3rd Councilmanic District
(22 Thomas Shilling Court)

Gerry R. & Loretta A. Gobrecht
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 99-518-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a petition for variance filed by the legal owners of the subject property, Gerry R. & Loretta A. Gobrecht. The Petitioners are requesting a variance for property they own at 22 Thomas Shilling Court located in the Upperco area of Baltimore County. The variance is requested from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a sideyard setback of 15 ft. in lieu of the required 35 ft. for a single family residential dwelling.

Appearing at the hearing on behalf of the variance request were Mr. & Mrs. Gobrecht. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 1.244 acres, more or less, zoned R.C.2. The subject property is unimproved at this time and is a residential lot bordering on the Piney Branch Golf Course. The Petitioners have owned the property for the past 15 years and now desire to construct a single family dwelling thereon. The Gobrechts have had to locate their house closer to the eastern property line, due to the location of a septic reserve area which is shown on the site plan submitted as Petitioners' Exhibit No. 1. Furthermore, the lot is a pie-shaped configuration and fairly narrow at the location of the Petitioners' house. Due to the setback requirements from the septic reserve area and the narrowness of the lot itself, the variance request is necessary.

COPIES RECEIVED FOR FILING

Date

8/5/99

By

R. G. G. G.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.


Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 5th day of August, 1999, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a sideyard setback of 15 ft. in lieu of the required 35 ft. for a single family residential dwelling, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 1) The Petitioners may apply for the building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECOMMENDED FOR SIGNING
Date 8/5/99
By J.R. Jensen



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

August 6, 1999

Mr. & Mrs. Gerry Gobrecht
13130 Hanover Road
Reisterstown, Maryland 21136

Re: Petition for Variance
Case No. 99-518-A
Property: 22 Thomas Shilling Court

Dear Mr. & Mrs. Gobrecht:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Mr. Tim Roche
5207 Trenton Mill
Upperco, Maryland 21155

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at ^{# 22} Thomas Shilling Court - Upperco ²¹¹⁵⁵
which is presently zoned RC-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A01.3.B.3

To permit A side yard setback of 15 Feet in lieu of the Required 35 feet.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be discussed at hearing for variance.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Genny R. Gobrecht
Name - Type or Print _____
[Signature]
Signature _____
Loretta A. Gobrecht
Name - Type or Print _____
Loretta A. Gobrecht
Signature _____
13130 Hanover Road 410-833-4826
Address Telephone No. _____
Reisterstown, Maryland 21136
City State Zip Code

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING
Reviewed By LTM/JRF Date 6-21-99

Case No. 99-518-A

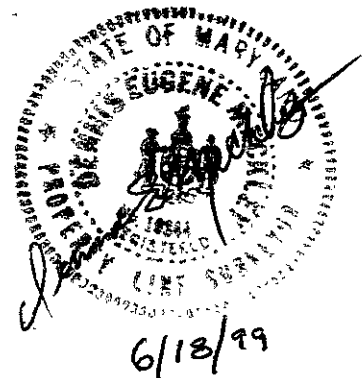
REV 9/15/98

ORIGINAL RECEIVED FOR FILING
Date 8/5/99
By [Signature]



Zoning Description of Unimproved Lot 1
Tract A Piney Branch Farms

Beginning at a point on the western right-of-way line of Thomas Shilling Court (varied width) at a distance of 928 feet south of the centerline of Trenton Mill Road. Being a portion of Tract A in the subdivision of Piney Branch Farms as recorded in Baltimore County Plat Book E.H.K., Jr. 42 folio 38; also known as Lot 1 of Tract A and described by metes and bounds and an exhibit plat in a conveyance to Gerry R. and Loretta A. Gobrecht dated November 2, 1984 and recorded among the Land Records of Baltimore County in deed Liber 6812 page 083. Said property located in the 5th election district and 3rd Councilmanic District.



518

99.518-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 069904

DATE 6-21-99 ACCOUNT R-001-6150

AMOUNT \$ 50.00

RECEIVED FROM: Serry R & Loretta Gobrecht

22 Thomas Shilling Court Item # 518
FOR: OLD VARIANCE Taken by LTM
JRF

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

RECEIVED ACTUAL TIME
6/21/1999 6/21/1999 14:20:39
REG 1002 CASHIER LSN LXS DRAWER 2
DEPT 5 528 ZONING VERIFICATION
Receipt # 097182 OPEN
CR NL 069904

Receipt Tot 50.00
50.00 CR 00 00
Baltimore County, Maryland

CASHIER'S VALIDATION

99-518-A

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-518-A

22 Thomas Shilling Court
W/S Thomas Shilling Court
928 S of Trenton Mill Road
5th Election District
3rd Councilmanic District

Legal Owner(s):

Loretta A. &
Gerry R. Gobrecht

Variance: to permit a side yard setback of 15 feet in lieu of the required 35 feet.

Hearing: Wednesday, August 4, 1999 at 11:00 a.m. in Room 106, County Office Bldg., 111 West Chesapeake Avenue, Towson, MD

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 7-606 July 20 C326910

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/22/, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/20/, 1999.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: CASE # 99-518-A
PETITIONER/DEVELOPER:
(Loretta A. Gobrecht)
DATE OF Hearing
(Aug. 4, 1999)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property located at
22 Thomas Shilling Court Baltimore , Maryland 21155_____

The sign(s) were posted on _____ 7-19-99 _____
[Month, Day, Year]

Sincerely,

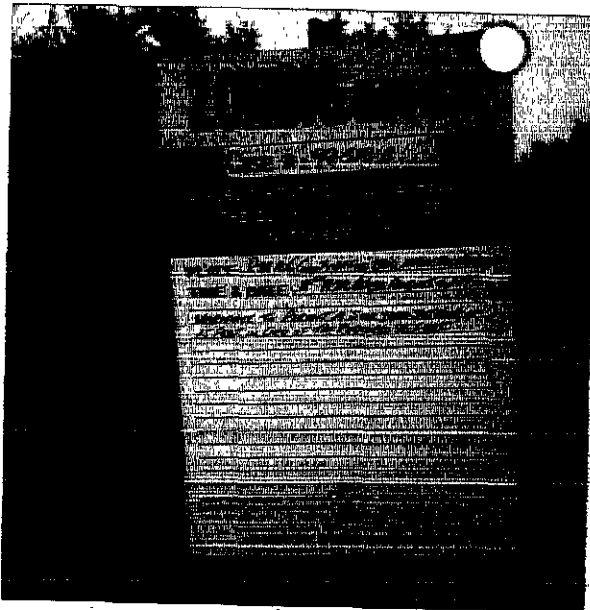

[Signature of Sign Poster & Date]

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ (410)-687-8405 _____
[Telephone Number]



**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 518
Petitioner: Genny R. + Loretta A. Gobrecht
Address or Location: # 22 Thomas Shilling Court, Uppercro, Md. 21155

PLEASE FORWARD ADVERTISING BILL TO:

Name: Genny R. Gobrecht
Address: 13130 Hanover Road, Reisterstown, Md. 21136
Telephone Number: 410-833-4826

Revised 2/20/98 - SCJ

99-518-A



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 12, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-518-A
22 Thomas Shilling Court
W/S Thomas Shilling Court, 928' S of Trenton Mill Road
5th Election District – 3rd Councilmanic District
Legal Owner: Loretta A. & Gerry R. Gobrecht

Variance to permit a side yard setback of 15 feet in lieu of the required 35 feet.

HEARING: Wednesday, August 4, 1999 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, MD

A handwritten signature in cursive script, reading "Arnold Jablon" with a small "scj" monogram at the end.

Arnold Jablon
Director

c: Loretta & Gerry Gobrecht

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JULY 20, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 20, 1999 Issue – Jeffersonian

Please forward billing to:

Gerry R. Gobrecht 410-833-4826
13130 Hanover Road
Reisterstown, MD 21136


NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-518-A
22 Thomas Shilling Court
W/S Thomas Shilling Court, 928' S of Trenton Mill Road
5th Election District – 3rd Councilmanic District
Legal Owner: Loretta A. & Gerry R. Gobrecht

Variance to permit a side yard setback of 15 feet in lieu of the required 35 feet.

HEARING: Wednesday, August 4, 1999 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, MD


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 30, 1999

Mr. & Mrs. Gerry Gobrecht
13130 Hanover Road
Reisterstown, MD 21136

Dear Mr. & Mrs. Gobrecht:

RE: Case Number 99-518-A, 22 Thomas Shilling Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on June 21, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on the case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: July 13, 1999

FROM: *RWB* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for July 12, 1999
Item Nos. 501, 502, 503, 504, 505,
507, 508, 509, 510, 511, 512, 513,
514, 516, (518) 519, 520, 521, 522,
523, 524,

and

Case Number 99-477-SPHA
Windsor Commons

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:jrb

cc: File

jmk 8/4/99



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

July 31, 1999

Arnold Jarlon, Director
Building Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JULY 3, 1999

Item No.: SEE BELOW Item Agenda:

Attachment:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

THE FIRE MARSHAL'S OFFICE HAS NO COMMENTS AT THIS TIME REGARDING THE FOLLOWING ITEM NUMBERS:

501, 502, 514, 503, 507, 508, 510, 512, 513, 515, 514,

515, 516, 518, 519, 520, 521, 524,

REVIEWER: LT. ROBERT J. SAUERWALL
Fire Marshal Office, PHONE 907-4081, MS 1105
TOWSON, MD

Come visit the County's Website at www.co.ba.md.us



June
8/4

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: July 12, 1999

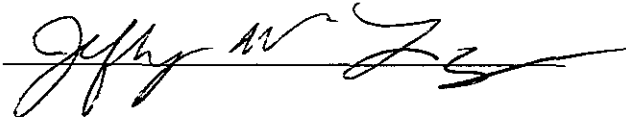
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):
Item No(s): 507, 510, 511, 512, 513, 515, 518, 521, 522, and 523

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL

RE: PETITION FOR VARIANCE
22 Thomas Shilling Court, W/S Thomas Shilling Ct,
928' S of Trenton Mill Rd
5th Election District, 3rd Councilmanic

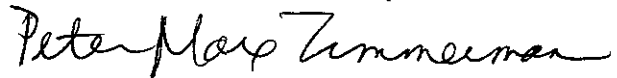
Legal Owner: Gerry R. and Loretta A. Gobrecht
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 99-518-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of July, 1999 a copy of the foregoing Entry of

Appearance was mailed to Gerry R. and Loretta A. Gobrecht, 13130 Hanover Road, Reisterstown, MD 21136, Petitioners.



PETER MAX ZIMMERMAN

N 104,000
W 66,000
E 843,000

W 64,500

SHEET NW 27 K

N 104,000
W 60,000
E 848,000

N 103,000

N 102,000

N 101,000

W 63,000

N 100,000
W 66,000

W 64,500

W 63,000

W 61,500

N 104,000
W 60,000
E 848,000

N 103,000

N 102,000

N 101,000

W 63,000

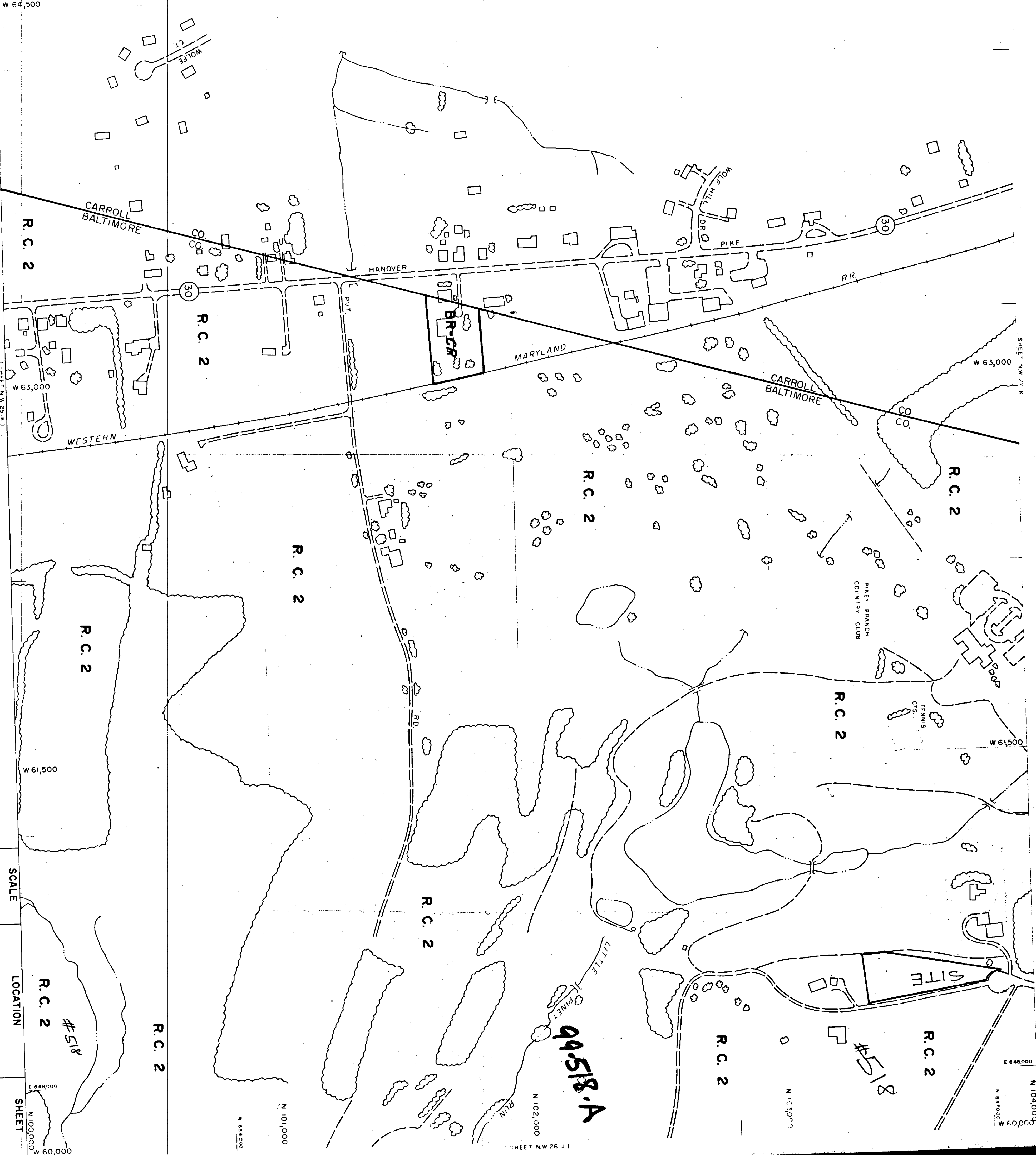
W 60,000

FF-SE
BB-NE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

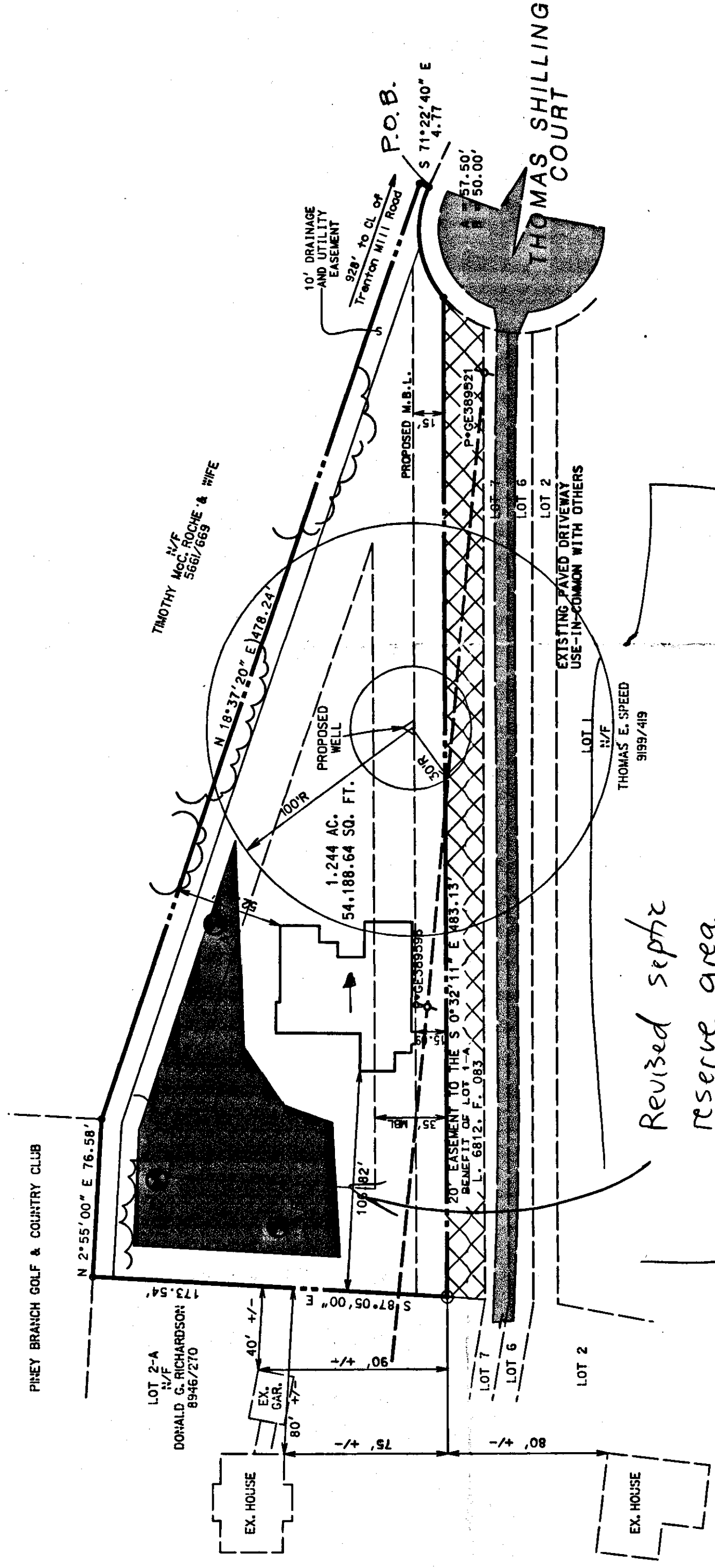
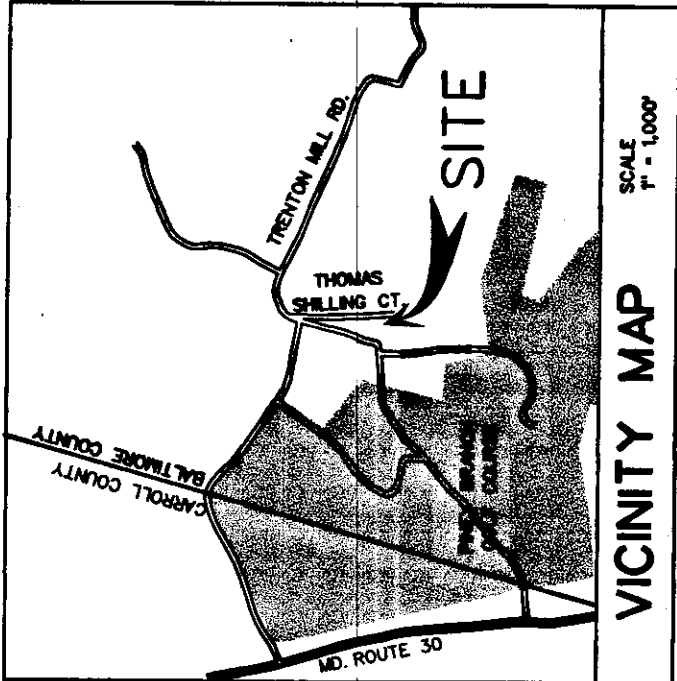
SCALE	LOCATION	SHEET
1" = 200'	NORTH OF ARCADIA	N.W. 26-K
DATE OF PHOTOGRAPHY JANUARY 1986		



Plat to accompany Petition for Zoning ☒ Variance ☐ Special hearing

PROPERTY ADDRESS: THOMAS SHILLING COURT

Subdivision name: Piney Branch Farms
Plat book # 42, FOLIO 38, Lot # 1-A section #
OWNER: GERRY R. & LORETTA A. GOBRECHT



Revised septic
reserve area
is acceptable
as shown above.
- soil tests were
conducted and approved
Nov. 2, 1984

William H. Goff, R.S. DEPRM
6/21/99

Minor subdivision per 6812/083 at sup dated
Nov 2 1984 is valid based on above approval by Dept of
Environmental Protection; Resource Mgmt per
Arnold Gabler 6/21/99 Clarke

99-518-A

LOCATION INFORMATION	
Election district: 15th	
Councilman's District: 3rd	
1" = 200' scale map # N.W. 28-K	
ZONING: RC2	
Lot size: 1.244 acreage	54,188.64 square feet
SEWER <input type="checkbox"/> Public <input checked="" type="checkbox"/>	WATER <input type="checkbox"/> Public <input checked="" type="checkbox"/>
Chesapeake Bay Critical Area: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Prior Zoning Hearings: NONE	
Zoning Office USE ONLY:	
Reviewed by: _____	ITEM # _____ CASE # _____

ORTH
Date: 6/15/99
Prepared by: CLS1
Scale of Drawing: 1"=50'

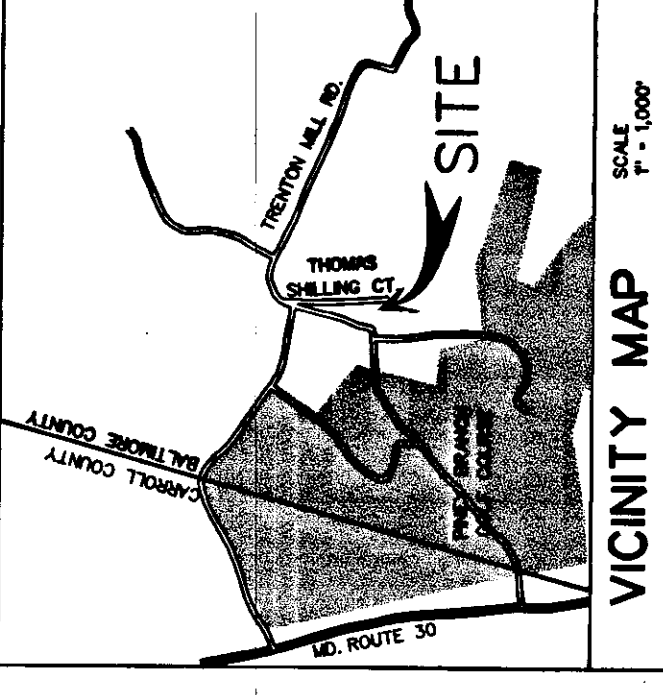
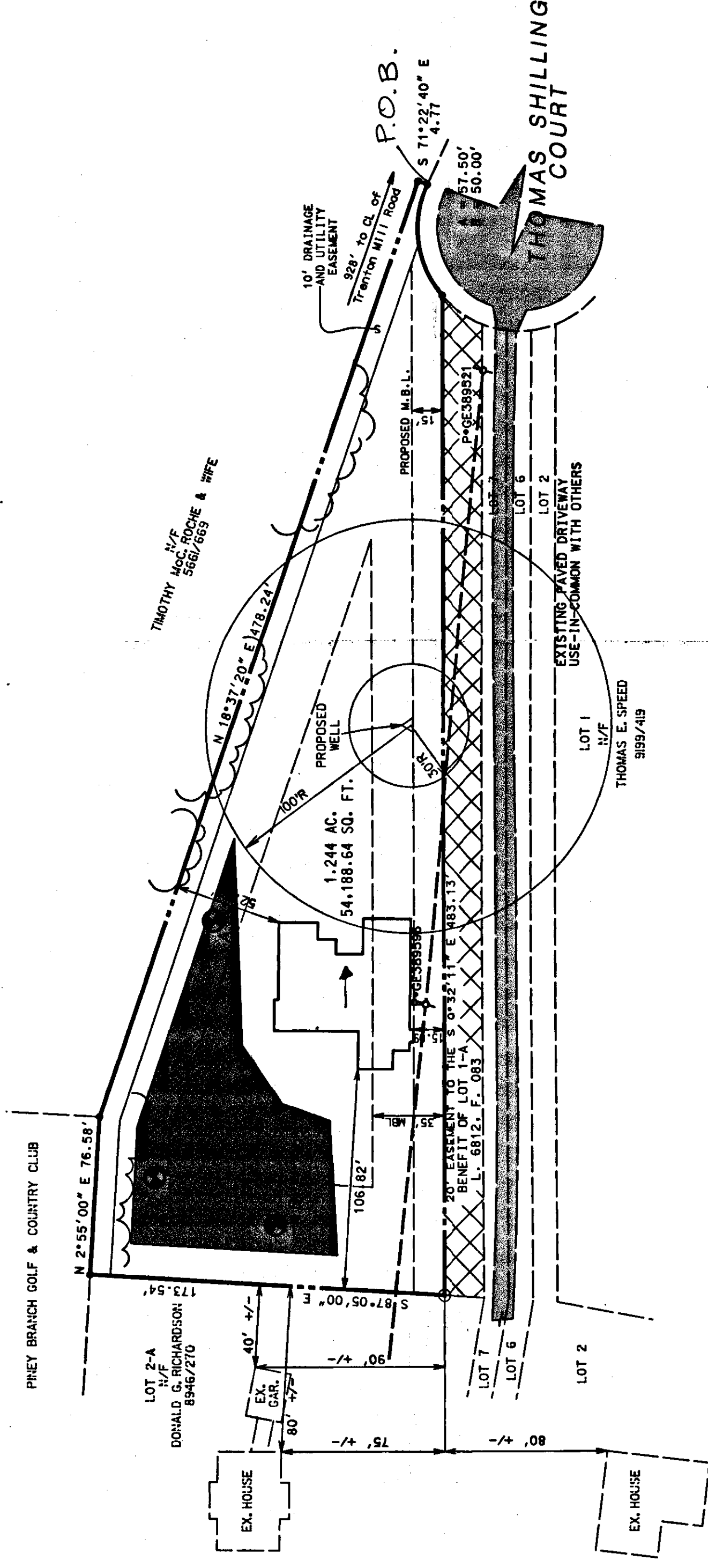
Plat to accompany Petition for Zoning ☒ Variance ☐ Special hearing

PROPERTY ADDRESS: THOMAS SHILLING COURT #22

Subdivision name: Piney Branch Farms

plot book# 42 .FOLIO# 38 . lot# 1-A section#

OWNER: GERRY R. & LORETTA A. GOBRECHT



Box #1

LOCATION INFORMATION

Election district: 5th

Councilman/District 3 rd

1"= 200' scale map # N.W. 26-K

ZONING : RC2

Lot size: 1.244
54,188.64

Public Private

SEWER

三

WATER

Chesapeake Bay Critical Areas

100

NORTH

Date : 6/15/99

1510: 44 processed
date : 6/15/99

Scale of Drawing: 1"=50'

15.8C.00 0001 . 8, un. sup 101002\sup\be-3

99.518-A